

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 23, 2008

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Corder, Gannon, and Pearce, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Tyler Barton, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 22, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senator Corder was recorded present at this order of business

SJM 108 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARIES OF THE UNITED STATES DEPARTMENTS OF VETERANS AFFAIRS AND DEFENSE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho is home to thousands of veterans who have served our country honorably as members of the armed forces, and activated members of the National Guard and Reserve component forces; and

WHEREAS, each day we learn more about the price our military members pay to defend our freedom and protect our national security, including physical and mental illnesses and injuries sustained in the line of duty; and

WHEREAS, veterans can have a wide range of short-term and long-term health care problems including spinal cord injury, blindness, traumatic brain injury, posttraumatic stress reaction, loss of limbs and mental illness; and

WHEREAS, untreated combat-related illnesses and injuries can result in severe social problems, including alcohol and drug abuse, domestic violence, child abuse, familial disintegration, suicide and homelessness; and

WHEREAS, our returning service members have earned and deserve timely treatment for injuries and illnesses sustained while in service to the United States and Idaho; and

WHEREAS, there is an escalation of the number of combat veterans returning home who require health care services and it is imperative that the availability of those services keep up with that need.

NOW, THEREFORE, be it resolved by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we express our profound gratitude for the sacrifices made by our veterans including, but not limited to, those who suffer from medical or mental illnesses and injuries sustained while they are serving in the United States Armed Forces and as activated members of the National Guard and Reserve component forces.

BE IT FURTHER RESOLVED that the Idaho Legislature hereby expresses our support for federal initiatives to ensure that our returning service members have timely access to the range and quality of health care services they require, while requesting that Congress and the President support, and work closely with state and local governments in implementing such initiatives.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretaries of the United States Departments of Veterans Affairs and Defense, the President of the Senate and the Speaker of the House of Representatives of Congress, and the Congressional Delegation representing the State of Idaho in the Congress of the United States.

SJM 108 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 23, 2008

The JUDICIARY AND RULES Committee reports that **S 1324, S 1325, S 1326, S 1327, S 1328, S 1329, S 1330, S 1331, S 1332, S 1333, S 1334, S 1335, and S 1336** have been correctly printed.

DARRINGTON, Chairman

S 1324, S 1325, S 1326, S 1327, S 1328, S 1329, S 1330, S 1331, S 1332, S 1333, S 1334, S 1335, and S 1336 were referred to the Judiciary and Rules Committee.

January 23, 2008

The AGRICULTURAL AFFAIRS Committee reports out **S 1276** with the recommendation that it do pass.

GANNON, Chairman

S 1276 was filed for second reading.

January 23, 2008

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Quane Kenyon to the State Board of Health and Welfare, term to expire January 7, 2011;

Stephen Weeg, to the State Board of Health and Welfare, term to expire January 7, 2011.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Yost of Boise, Idaho, was appointed as a member of the Northwest Power and Conservation Council to serve a term commencing October 16, 2007, and expiring January 15, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Craig D. Harlen of Coeur d'Alene, Idaho, was appointed as a member of the Idaho Board of Environmental Quality to serve a term commencing July 1, 2007, and expiring July 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Latham Williams of Ketchum, Idaho, was appointed as a member of the Idaho Park and Recreation Board to serve a term commencing July 26, 2007, and expiring June 30, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jody Olson of Boise, Idaho, was appointed as a member of the Board of the Public

Employee Retirement System of Idaho to serve a term commencing July 1, 2007, and expiring July 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

January 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that David Kinghorn of Lewisville, Idaho, was appointed as a member of the Idaho Board of Tax Appeals to serve a term commencing June 30, 2007, and expiring June 30, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

January 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Chatburn of Boise, Idaho, was appointed as a member of the Idaho State Racing Commission to serve a term commencing August 14, 2007, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ronald Nate of Rexburg, Idaho, was appointed as a member of the Idaho Judicial Council to serve a term commencing July 10, 2007, and expiring June 30, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 18, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Cameron Wheeler of Ririe, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing June 30, 2007, and expiring June 30, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 22, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Nate Fisher of Boise, Idaho, was appointed as Administrator of the Idaho Office of Species Conservation to serve a term commencing August 16, 2007, serving at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Conservation Committee.

January 22, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Thomas J. Hearn of Coeur d'Alene, Idaho, was appointed as a member of the Idaho Sexual Offender Classification Board to serve a term commencing January 1, 2008, and expiring January 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 22, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Paul Kjellander of Boise, Idaho, was appointed as Administrator of the Idaho Office of

Energy Resources to serve a term commencing October 3, 2007, serving at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 22, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Craig Hill of Priest Lake, Idaho, was appointed as a member of the Idaho Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2007, and expiring July 24, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 22, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Travis J. Beck of Idaho Falls, Idaho, was appointed as a member of the Idaho Commission for the Blind and Visually Impaired to serve a term commencing July 1, 2007, and expiring July 1, 2010.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 22, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joe Davidson of Jerome, Idaho, was appointed as a member of the State Soil Conservation Commission to serve a term commencing September 13, 2007, and expiring July 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1337

BY LOCAL GOVERNMENT AND TAXATION COMMITTEE

AN ACT

RELATING TO COUNTIES; AMENDING SECTION 31-819, IDAHO CODE, TO PROVIDE FOR THE PUBLICATION OF BALANCE SHEETS AND SUMMARIES OF STATEMENTS OF REVENUES AND EXPENDITURES BY BOARDS OF COUNTY COMMISSIONERS; AND AMENDING SECTION 31-2307, IDAHO CODE, TO DELETE PUBLICATION PROVISIONS RELATING TO COUNTY ANNUAL AUDITS.

S 1338

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CODIFIER'S CORRECTIONS IN STATUTES; AMENDING CHAPTER 16, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW HEADING FOR CHAPTER 16, TITLE 6, IDAHO CODE; AMENDING SECTION 9-335, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 9-340D, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-405, IDAHO CODE, TO DELETE VERBIAGE; AMENDING SECTION 18-8105, IDAHO CODE, TO PROVIDE DESCRIPTIVE

LANGUAGE; AMENDING THE HEADING FOR CHAPTER 24, TITLE 28, IDAHO CODE; AMENDING SECTION 31-2202, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1002, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-206, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE; AMENDING SECTION 49-2902, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE; AMENDING SECTION 49-2903, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-2905, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 58-304, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 13, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW HEADING FOR CHAPTER 13, TITLE 58, IDAHO CODE; AMENDING SECTION 59-1356, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2601, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE REFERENCE TO MODULAR BUILDINGS; AMENDING SECTION 67-4727, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF LABOR; AND AMENDING SECTION 67-7903, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF LABOR.

S 1337 and **S 1338** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1259 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 33.

NAYS--Coiner, Stegner. Total - 2.

Total - 35.

Whereupon the President declared **S 1259** passed, title was approved, and the bill ordered transmitted to the House.

S 1282 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1282** passed, title was approved, and the bill ordered transmitted to the House.

S 1284 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1284** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:07 p.m. until the hour of 10:30 a.m., Thursday, January 24, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary